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**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

-----X  
**OGNIBENE, et al.,**

***Plaintiffs,***

**C.A. No. 08 CV 01335 (LTS) (FM)**

**-against-**

**NOTICE OF MOTION FOR  
RECONSIDERATION**

**PARKES, et al.,**

***Defendants.***

-----X  
PLEASE TAKE NOTICE that Plaintiffs respectfully move this Honorable Court, pursuant to S.D.N.Y. Rule 6.3, before the Hon. Laura Taylor Swain, United States District Judge, for reconsideration of the order resulting in the judgment entered on July 24, 2014 (Doc. #209), which order and judgment granted, with amendment, Plaintiffs' Motion for Attorney's Fees and Expenses for certain services rendered on Plaintiffs' behalf (Doc. #189) in the above-

captioned matter.

As more fully explained in the accompanying memorandum, counsel believes that in reducing time actually spent by Plaintiffs' counsel on the case to account for successful and unsuccessful claims the Order applied the percentage reductions the Court found justified to time that was unequivocally spent on successful claims, reduced time further than the Court found justified for Plaintiffs' achieved success, or both. Plaintiffs ask that the Court reconsider the order and grant Plaintiffs a new order and judgment commensurate with the corrections, and award Plaintiffs their reasonable attorneys' fees and expenses in bringing and supporting this Motion.

PLEASE TAKE FURTHER NOTICE that as provided by LCR 6.3, the time for service of answering and reply memoranda is governed by LCR 6.1(b); that no oral argument shall be heard unless the Court directs, and; that no affidavits shall be filed by any party unless directed by the Court.

The undersigned counsel certifies that he contacted counsel for Defendants in writing via electronic mail on July 30-31, 2014 to resolve informally, if possible, the matters raised herein. The Parties' counsel discussed the matter by telephone on July 31, with a memorialization in writing of the conversation the same day. The Parties remain at odds as to what hours the Court intended to reduce and whether it intended to or should have reduced them less or further, and Defendants note that they may themselves ask for reconsideration of certain aspects of the Court's Order.

Dated: August 7, 2014

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served on all Defendants and amici  
in the way described:

SERVED BY ECF:

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Dated: Terre Haute, Indiana  
August 7, 2014

/s/ Jeffrey P. Gallant  
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